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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,538	03/01/2002	Sanna Jauk	297-010817-US(PAR)	2256
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PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			CHO, UN C	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,538

Applicant(s)

JAUk ET AL.

Examiner

Un C Cho

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4 and 7</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 3, 5 – 18 and 20 – 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirai (GB 2,333,209).

Regarding claim 1, Hirai teaches a method for displaying to the user of a mobile station an effect perceptible by the senses (Page 1, lines 4 – 9) in which method a connection is established between a first mobile station (portable terminal, calling party) and a second mobile station (portable terminal, called party) (Page 4, lines 3 – 9), and information associated with a first effect perceptible by the senses (text message to be displayed on the called party's portable terminal) is transmitted via the connection established (Page 24, line 27 through Page 25, line 19), comprising the steps of transmitting information associated with a second effect perceptible by the senses (instructions to play a melody, set by the calling party, on the called party's portable terminal) via the same connection established (Page 25, lines 19 – 24), producing a first effect perceptible by the senses in the mobile station from the information associated therewith using a first means of expression (displaying the text message sent by the calling party, Page 25, line 25 through Page 26, line 4 and lines 14 – 17) and

producing a second effect perceptible by the senses in the mobile station from the information associated therewith using a second means of expression which is not the same as the first means of expression (producing the melody assigned by the calling party, Page 26, lines 8 – 14 and lines 18 – 24).

Regarding claim 2, Hirai teaches the step of a two-way telephone connection is established (establishing a line connection) between the first mobile station (portable terminal, calling party) and the second mobile station (portable terminal, called party) (Page 4, lines 3 – 9 and Page 25, lines 7 – 14) whereby the information associated with a first effect perceptible by the senses is transmitted via the telephone connection (Page 24, line 27 through Page 25, line 19) and information associated with a second effect perceptible by the senses is transmitted in a signaling message associated with the telephone connection (Page 25, lines 19 – 24).

Regarding claim 3, Hirai teaches that a text message connection is established between the first mobile station (portable terminal, calling party) and the second mobile station (portable terminal, called party), and information associated with a first and a second effect perceptible by the senses is transmitted in a text message (Page 25, lines 7 – 24).

Regarding claim 5, Hirai teaches that the second effect perceptible by the senses transmitted is a lighting effect (Page 30, lines 6 – 15).

Regarding claim 6, Hirai teaches that the second effect perceptible by the senses transmitted is a graphics effect presented on the display (text message displayed on the screen, Page 26, lines 14 – 17).

Regarding claim 7, Hirai teaches that the second effect perceptible by the senses transmitted is a vibration effect (Page 30, line 22 through Page 31, line 10).

Regarding claim 8, Hirai teaches that the second effect perceptible by the senses transmitted is a sound effect (Page 29, lines 6 – 9).

Regarding claim 9, Hirai teaches that a plurality of second effects is generated at the same time in the mobile station to form an effect entity (Page 29, lines 6 – 14).

Regarding claim 10, Hirai teaches that the second effect perceptible by the senses is activated so as to be automatically presented (reporting an incoming call) by the second means of expression (Page 30, lines 6 – 14).

Regarding claim 11, Hirai teaches that the second effect perceptible by the senses is activated so as to be presented by the second means of expression as a consequence of certain user action (Page 25, line 25 through Page 26, line 24).

Regarding claim 12, Hirai teaches that the second effect perceptible by the senses is activated so as to be presented by the second means of expression when a certain start instruction is activated (Page 25, line 25 through Page 26, line 24).

Regarding claim 13, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 14, Hirai teaches a portable terminal comprising a sounds unit, a sounds controller (Sound Control Section, Fig. 1, 5) and a sounds memory (Melody IC, Fig. 1, 7) for controlling sound effects (Page 21, line 15 through Page 22, line 11).

Regarding claim 15, Hirai teaches a portable terminal comprising a vibration unit, a vibrator controller (Vibrator Control Section, Fig. 1, 11), and a vibration effects memory (within the controller, not shown) for controlling vibration effects (Page 21, line 15 through Page 22, line 11).

Regarding claim 16, Hirai teaches a portable terminal comprising light units, a lighting controller (Light Emission Control Section, Fig. 1, 9), and a flash patterns memory (within the controller, not shown) for controlling lighting effects (Page 21, line 15 through Page 22, line 11).

Regarding claim 17, Hirai teaches a portable terminal comprising a display (Fig. 1, 4), a display controller (CPU and Backlight Control Section, Fig. 1, 2 and 13) and a graphic objects memory (CPU having a RAM Fig. 1, 2 and 3) for controlling visual effects (Page 21, line 15 through Page 22, line 11).

Regarding claim 18, the claim is interpreted and rejected for the same reason as set forth in claim 9.

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Regarding claim 20, Hirai teaches means for transmitting effects to be presented on a second mobile station (portable terminal, called party, Page 25, lines 19 – 25 through Page 26, line 4 and lines 14 – 17).

Regarding claim 21, the claim is interpreted and rejected for the same reason as set forth in claim 3.

Regarding claim 22, the claim is interpreted and rejected for the same reason as set forth in claim 2.

Regarding claim 23, the claim is interpreted and rejected for the same reason as set forth in claim 10.

Regarding claim 24, the claim is interpreted and rejected for the same reason as set forth in claim 11.

Regarding claim 25, the claim is interpreted and rejected for the same reason as set forth in claim 12.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirai in view of Armanto et al. (US 6,094,587).

Regarding claim 4, Hirai teaches transmitting information associated with a first and a second effect perceptible by the senses (Page 25, lines 7 – 24). However, Hirai does not specifically disclose transmitting in a MIDI file. On the other hand Armanto discloses transmitting ringing tone converted in a MIDI file (Col. 12, lines 7 – 34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Armanto to the system of Hirai in order to provide a method for programming a ringing tone of a telephone, wherein a ringing tone is stored in a memory and reproduced by means of sound reproduction means as a response to an incoming call, and the method being wherein the ringing tone is modified into characters and sent to the telephone as characters with a ringing tone identifier identifying the transmission as a ringing tone transmission.

Regarding claim 19, Hirai teaches a portable terminal. However, Hirai does not specifically disclose means for downloading a MIDI file for accessing the effect entity.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Komiyama (US 6,690,955) discloses that in a communication device, a number of source identifying information are stored in a memory for respectively

identifying calling sources and a number of color information corresponding to the source identifying information are also stored in the memory.

Uriya (US 6,574,489) discloses different notification methods that are pre-assigned for the different communication modes.

Yamashita (US 6,070,053) discloses a calling party transmits a calling signal in which music data is appended to the message.

Hoshino (US 6,285,891) discloses a radio communication apparatus having a plurality of communication functions.

Yamashita (US 6,470,196) discloses a portable communication apparatus, which can atop the alert indicating the occurrence of an incoming call while holding the incoming call.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C Cho whose telephone number is (703)305-8725. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703)308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Un C Cho
Examiner
Art Unit 2682

9/24/04
LESTER G. KINCAID
PRIMARY EXAMINER